IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23056 of 2004

Between:

P. Lakshminarayana Reddy S/o P. Tummala Reddy, Fair Price Shop Deaper, Morasalepalli village , Chilamattur Mandal, Ananthapur District

..... PETITIONER

AND

1 The District Collector, Ananthapur, Ananthapur District
2 The Revenue Divisional Officer, Penukonda, Anantapur District
3 The Mandal Revenue Officer, Chilamattur, Ananthapur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Mandamus declaring the action of the respondents in not restoring the Fair Price Shop of the petitioner and action of the 3rd respondent in not supplying the essential commodities to the petitioner's fair price shop Morasalepalli Village, Chilamattur Mandal Ananthapur District is illegal, improper and against the principles of natural justice and in violation of the provisions of A.P. Public Distribution system (Control) order 2001.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner was appointed as a fair price shop dealer. He was issued a show cause notice-cum-suspension order dated 18-10-1995, whereunder, certain charges were framed against him. The petitioner submitted his explanation. An order is said to have been passed in September 1996, dropping further action against the petitioner by imposing fine of Rs.1000/-. The petitioner states that the order has not been implemented so far.

Heard learned counsel for petitioner and learned Government Pleader for Civil Supplies.

On the face of it, the petitioner is guilty of latches. If an order was passed way back in the year 1996 dropping the charges against him, he ought to have taken immediate steps to get it enforced. The reasons for such an enormous delay are not explained.

Be that as it may, if the proceedings against the petitioner were dropped by imposing a penalty of Rs.1000/- and if the petitioner complied with the same, there is no reason why the benefit of the same cannot be extended to the petitioner. As of now, it is not known as to whether any subsequent proceedings were initiated against the

petitioner.

For the foregoing reasons, the writ petition is disposed of directing the second respondent to verify the matter and give effect to his own orders passed in the year 1996, if no other proceedings have been initiated against the petitioner thereafter. No order as to costs.

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27-12-2004

Note:Issue C.C. by two days

(B/o)

kdl

To

1 The District Collector, Ananthapur, Ananthapur District
2 The Revenue Divisional Officer, Penukonda, Anantapur District
3 The Mandal Revenue Officer, Chilamattur, Ananthapur District

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.